

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

NELSON GAMACHE, *et al.*,  
individually and on behalf of a class  
of all others similarly situated,

Plaintiffs,

v.

JOHN F. HOGUE, *et al.*,

Defendants.

CASE NO.: 1:19-CV-21 (LAG)

**ORDER**

Before the Court are Defendants' Motion for Summary Judgment (Doc. 142) and Plaintiffs' Motion for Partial Summary Judgment (Doc. 155), which were filed February 10 and 17, 2022, respectively. The Court subsequently reopened discovery, granting Plaintiffs' Motions to Compel seeking the production of documents from Moore Clarke DuVall & Rogers, P.C. (MCDR) and Technical Associates of Georgia, Inc. (*See* Docs. 98, 93, 167–68). The Court did not set a deadline for the completion of discovery but did ask the parties to advise the Court if they would need to amend or supplement their Motions for Summary Judgment in light of the new discovery. During a hearing on Defendants' *Daubert* Motions, the Court inquired as to whether the Parties had determined if they needed to amend or supplement the Summary Judgment Motions. The Parties advised that discovery had not been completed and that a deposition, that was currently scheduled for August 22, 2022, might need to be rescheduled. The Court asked the Parties to update the Court within seven days.

Upon further review, the Court has determined that the more appropriate course of action is to deny the pending Motions (Docs. 142, 155) and reset the relevant discovery deadlines. The Parties shall submit a joint revised scheduling order setting forth the

remaining discovery, proposed deadlines to complete discovery, and proposed deadlines to file, respond, and reply to dispositive motions.

Should a Party determine that it does not need to supplement or amend its motion, the Party may refile the previously filed motion with a footnote (numbered one) informing the Court that it has not altered the previously filed motion. In addition, the Parties shall ensure all docket citations are updated appropriately. That is, any citations to documents already in the Court's Case Management/Electronic Case File (CM/ECF) must refer to the actual docket number and docket page number. *See* M.D. Ga. L.R. 56. The Parties are strongly encouraged to file full transcripts rather than excerpts. The Parties refiled motions, responses, and replies may exceed the page limitations in Local Rule 7.4 as previously granted. (*See* Docs. 141, 157). The Parties shall not include cross-references to their prior dispositive motions.

Accordingly, the Parties' Cross Motions for Summary Judgment (Docs. 142, 155) are **DENIED**. The Parties are **ORDERED** to submit a Revised Joint Proposed Scheduling Order within **seven (7) days** of this Order.

**SO ORDERED**, this 17th day of August, 2022.

/s/ Leslie A. Gardner  
**LESLIE A. GARDNER, JUDGE**  
**UNITED STATES DISTRICT COURT**